

CITY COUNCIL AGENDA
REGULAR MEETING
WEDNESDAY FEBRUARY 5 , 1997

Morgan Hill Civic Center

Interim Mayor

Dennis Kennedy

**Council Chambers
17555 Peak Avenue
Morgan Hill, California 95037**

**Interim Mayor Pro Tempore Bev E. Freeman
Council Member Hedy L. Chang
Council Member Cynthia J. Cook**

5:30 P.M.

CORPORATION YARD COMMISSION

7:00 P.M.

CALL TO ORDER

(Interim Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Live Oak High School

Future Business Leaders of America

Kiki Nakauchi

Tina Chen

Andrew Sinohui

CITY COUNCIL REPORT

Interim Mayor Kennedy

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Interim Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #5 may be acted upon with one motion, a second and the vote.

1. **RESOLUTION CONTINUING LOCAL EMERGENCY**

Recommended Action: **Adopt** Resolution Continuing the Proclamation of the Existence of a Local Emergency.

2. **PURCHASE OF UPGRADED COMPUTER AIDED DISPATCH HARDWARE**

Recommended Action: **Approve** Appropriation of \$12,500 from the Asset Seizure Fund to Purchase of Upgraded Computer Aided Dispatch Hardware.

3. **SURPLUS EQUIPMENT**

Recommended Action: 1) **Declare** Property Surplus; and 2) **Authorize** Disposal through Auction.

4. **VOLUNTEERS FOR THE CITY PROJECT GRANT**

Recommended Action: 1) **Authorize** City Staff to Submit a Grant Proposal to the Volunteers for the City Project; and 2) **Authorize** the Mayor to Sign the Attached Letter that States that the City Council Has Approved the Proposal for Submission to The David and Lucile Packard Foundation.

5. **RESOLUTION AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY INTEREST**

Recommended Action: **Adopt** the Attached Resolution Rescinding Resolution No. 4324 and Amending the Signing Authority for Acceptance of Conveyance of Interest in Real Property on Behalf of the City.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items #6 and #9 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

6. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1316, N.S.** -- An Ordinance of the City Council of the City of Morgan Hill amending Chapter 5.52 of the Morgan Hill Municipal Code Relating to Tow Car Services.

7. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1317, N.S.** -- An Ordinance of the City of Morgan Hill Approving a Development Agreement with Ecumenical Association for Housing, for a 96-unit Low Income Multi-Family Attached Residential Development Awarded an Allocation through the Residential Development Control System for Fiscal Year 1997-98.

8. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1318, N.S.** -- An Ordinance of the City of Morgan Hill Approving a Development Agreement with Robert Mantia, for a 3-unit Single Family Detached Residential Development Awarded an Allocation through the Residential Development Control System for Fiscal Year 1996-97.

9. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1319, N.S.** -- An Ordinance of the City of Morgan Hill Approving a Development Agreement with Kent Family Trust, Inc., for a 50-unit Multi-Family Attached Residential Development Awarded an Allocation through the Residential Development Control System for Fiscal Year 1996-97.

LEGALLY NOTICED PUBLIC HEARINGS:

10. AMENDMENT OF MUNICIPAL CODE PENALTY PROVISIONS

Recommended Action: Request staff presentation.

The Interim Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Interim Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the first and second reading of the ordinance;
Motion to introduce ordinance. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

OTHER BUSINESS:

11. TRAFFIC NOISE AT THE FOX HOLLOW SUBDIVISION

Recommended Action: Direct Staff to Undertake the Following, by Minute Action: 1) Prepare an Engineering and Design Plan for Extension of the Wall Height to 8 Feet in the Fox Hollow Subdivision; 2) Initiate Exception to City Code to Allow an 8 Foot Tall Wall Adjacent to the Fox Hollow Subdivision; and 3) Waive Fee for Residents of the Fox Hollow Subdivision Requesting Building Permit to Increase Wall Height.

12. METHODS FOR FILLING CITY COUNCIL VACANCY AS A RESULT OF THE MARCH 4, 1997 SPECIAL MAYORAL RUN-OFF ELECTION

Recommended Action: 1) Adopt Resolution Calling a Special Election for June 3, 1997 to Fill a Vacancy on the City Council, **OR** 2) Direct Staff to Bring Back for Discussion Procedures for Making an Appointment to Fill a Vacancy on the City Council.

13. POLICY FOR SALE OF CITY OWNED TRANSFERABLE DEVELOPMENT CREDITS (TDC'S)

Recommended Action: Take No Action, thereby Ratifying the Existing Practice for Sale of the Remaining Exempt TDC's under Current Procedures.

14. SALE OF CITY OWNED TDC'S

Recommended Action: By Minute Action, Authorize City Manager to Enter into the Attached Contract for Sale of Two TDCs.

15. CONSTRUCTION OF SKATEBOARD FACILITY

Recommended Action: 1) Appropriate \$85,000 from the Unappropriated Park Capital Improvement Fund Balance for Design and Construction of the Facility; 2) Authorize Staff to Solicit Request for Proposals for Design Services; and 3) Approve Community Park as the Site for a Skateboard Facility.

16. REQUEST TO PARTICIPATE IN MEDIATION SESSION BETWEEN KOLL AND SAFEWAY

Recommended Action: Decline City Participation in Dispute Resolution until both Parties Request City Participation.

17. CITY MANAGER'S PERFORMANCE EVALUATION PROCESS

Recommended Action: 1) Review Proposals for Facilitation of the City Council's Performance Evaluation of the City Manager; 2) Select a Firm to Facilitate the City Council's Performance Evaluation of the City Manager; and 3) Authorize the Interim Mayor to Sign an Agreement for Services.

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Michael Purser and Sharon Purser v. City of Morgan Hill</u>
Case Number:	CV757459
Court:	Superior Court, County of Santa Clara
Parties:	Michael Purser; Sharon Purser; City of Morgan Hill

Subject of Litigation: Landslide at personal residence
Closed Session Topic: Potential Settlement

ADJOURNMENT:

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Interim Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Item #10 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.